

2/27



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,662	10/12/2000	Donald F. Gordon	19880-004010	7766

26291 7590 08/11/2005

MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,662

Applicant(s)

GORDON ET AL.

Examiner

Reuben M. Brown

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/2/2005 have been fully considered but are moot in light of the new grounds of rejection. First of all, on page 9, 2nd paragraph, applicant argues that the references do not teach the claimed features of 'broadcasting a plurality of IPG pages" and "receiving a request message from the terminal for at least one IPG page...".

Examiner points out that secondary reference now relied upon, Aristides (col. 7, lines 5-20; col. 8, lines 19-24; col. 8, lines 5-61), unambiguously teaches the feature, which reads on applicant's recited feature of amended claims 1 & 13, of "receiving a request message from the terminal from at least one IPG page, including program listings associated with at least one different time slot from the broadcasted IPG pages" or "receiving a request for a particular IPG page having included in therein a guide portion specific to the page, said particular IPG page not being one of said broadcasted page", respectively.

Secondly, applicant argues on page 9, that "applicant's invention is capable of receiving both broadcasted IPG pages, as well as requesting IPG pages not associated with the broadcasted pages". Again examiner points out that the combination of Fries & Aristides clearly read on the instant subject matter, since both Fries (Para 0032-0033) & Aristides (col. 7, lines 59-67 thru col.

Art Unit: 2611

8, lines 1-13) receive broadcasts of EPG data; and Aristides also teaches a user requesting EPG that is not already stored at the user's STB, (col. 8, lines 19-25 & col. 8, lines 53-62).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-13 & 16-20, are rejected under 35 U.S.C. 103(a) as being obvious over Fries, (US-PGPUB 2002/0035728 A1), in view of Aristides (U.S. Pat # 5,657,072).

Considering claim 1, the amended claimed method for providing an interactive program guide to a terminal comprising:

'broadcasting a plurality of IPG pages including program listings associated with at least one time slot to the terminal', reads on the disclosure in Fries (Para 0031-0033, 0042, 0098-0099 & 0128). In particular, Fries teaches that a headend 22 broadcasts program guide data, using standard 6 – MHz channels, to a plurality of STB 28.

Regarding the claimed, 'receiving a request message from the terminal for at least one IPG page, which includes program listings associated with at least one different time slot from the broadcasted IPG pages', Fries (Para 0073 & Para 0094-0095), teaches a user interaction with an IPG that transmits a page to the user. However, Fries does not explicitly teach that a request is received 'from the terminal', as recited. Nevertheless Aristides, which is in the same field of endeavor teaches that like Fries, IPG data may also be periodically transmitted to subscriber, (col. 7, lines 59-67 thru col. 8, lines 1-15 & col. 8, lines 35-55). However, Aristides goes on to teach that IPG pages may be transmitted to a subscriber upon request from the subscriber, col. 7, lines 15-20; col. 8, lines 19-24 & col. 8, lines 55-62.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fries with the teachings of Aristides, for the desirable advantage of the user interface avoiding some of the potential delays for reception of requested data during peak times, since most of the EPG data is transmitted to the user, during non-peak times, as taught by Aristides, col. 8, lines 62-67 thru col. 9, lines 1-5.

'encoding the requested IPG page and assigning the encoded IPG page a particular PID', reads on the combination of disclosure in Fries that the EPG may be transmitted in MPEG format and is associated with a PID, Para 0062, Para 0098 & Para 0100 and Aristides, which teaches a terminal requesting/receiving EPG pages that was not previously stored in the instant terminal.

Art Unit: 2611

‘sending the encoded a limited number of times in response to receiving the request’, reads on the disclosure that that IPG pages are sent in a MPEG carousel, a certain number of times, for instance four times, see Para 0057.

Considering claim 2, as for sending the page one time, Fries teaches that number of times the page is placed in the carousel, depends upon the bandwidth of the carousel, and that it “may” be more than once. The disclosed limitation of “may” in Fries, suggests that the page may be sent only once, in at least one circumstance.

Considering claim 6, the claimed feature reads on sending an encoded IPG page each time a subscriber makes such a requests, and is met by the combination of Fries & Aristides.

Considering claims 7-8, 11-12 & 16-18, see Fries, Para 0042-Para 0045 & Para 0062.

Considering claims 9-10, Fries teaches in-band and out-of-band transmission, Para 0032-Para 0033, Para 0037 & Par 0041.

Considering claim 13, the claimed elements of a method for regenerating an IPG correspond with subject matter mentioned above in the rejection of claim 1, and is likewise analyzed.

Art Unit: 2611

Considering claim 19, the claimed video encoder operative to encode at least a guide portion of a requested IPG and generate a requested guide stream, which includes a limited number of encoded pages, reads on the discussion in Fries that that IPG pages are transmitted to the subscriber as a carousel of data, using an MPEG transport stream and the combination of database server 70 of Aristides, as discussed in the rejection of claim 1. The number of pages is limited by the frequency of transmission of the pages and available bandwidth; see Para 0058 & 0174, which reads on the claimed feature of 'limited number of encoded pages'. The claimed video encoder, transport multiplexor and modulator, are included in the server 46, Fries; see Fig. 1 & Fig. 2, which display multiplexing/modulating technology (Para 0031-0033, 0170).

Considering claim 20, the claimed session manager operative to receive a request message for the requested IPG page and direct the transport multiplexor to multiplex the requested guide stream into the transport stream, reads on the operation of the database server 70 in Aristides, which receives the subscriber's request for IPG data and the transmitter discussed in Fries, with respect to claim 19.

4. Claims 3-5, 14-15 & 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries & Aristides, in view of Rocher, (U.S. Pat # 3,754,211).

Considering claim 3-5 & 14-15 & 21, Fries does not teach transmitting an ACK signal when a page is received. However, Rocher teaches transmitting an ACK signal, for the receiver to acknowledge receipt of a data transmission. After the transmitter receives the ACK signal, the

Art Unit: 2611

next data block is transmitted, col. 4, lines 35-45. If the ACK signal is not received within a certain time window, then the transmitter assumed there has been an error, and resends the data, col. 12, lines 2-10. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fries with known technology of halting transmission of data once an ACK signal has been received from a receiver and resending the data at least once, if the ACK signal is not received, for the desirable advantage of insuring reception of a transmitted block of data, as taught by Rocher.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Hallenback, Wasilewski Teaches broadcasting pages of IPG, using PID technology.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2611

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


**HAITRAN
PRIMARY EXAMINER**